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14 Attorneys for Ferrara Candy Company

15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 FERRARA CANDY COMPANY

18 Plaintiff,

19 v.

20 3615 MARKET LLC, THREE
STEPS AHEAD, INC., JOKES UP
ICE KREAM, LLC, NICHOLAS
21 CORWIN, FETAIKI TEAUPA, and
RAMIN SARUP,
22

23 Defendants.

Case No. 4:24-CV-07486

**PLAINTIFF FERRARA CANDY
COMPANY'S ADMINISTRATIVE
MOTION TO AMEND SCHEDULING
ORDER**

Hon. Rita F. Lin

Administrative Motion - No Hearing

Pursuant to Local Rule 7-11 and Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Ferrara Candy Company (“Plaintiff” or “Ferrara”) hereby moves this Court to extend the deadlines in the Amended Scheduling Order entered on July 14, 2025, by an additional 45 days.

Ferrara respectfully requests an extension of time to address outstanding discovery deficiencies with the remaining defendants 3615 Market LLC, Three Steps Ahead, Inc., Nicholas Corwin, and Ramin Sarup (collectively “Defendants”).¹ As set forth below and in the accompanying Declaration of Theresa Conduah, Ferrara has been diligent in meeting its responsibilities, good cause exists for extending the deadlines, and Defendants will not be prejudiced. This extension will allow the parties sufficient time to address and correct the deficiencies and ensure that the matter proceeds fairly and efficiently. Accordingly, Ferrara respectfully requests that its motion to extend the case schedule by 45 days as set forth below be granted.²

Event	Current Deadline	Proposed Deadline
Close of Fact Discovery	10/21/2025	12/5/2025
Initial Expert Reports	11/4/2025	12/19/2025
Rebuttal Expert Reports	11/25/2025	1/9/2026
Close of Expert Discovery	12/9/2025	1/23/2026
Dispositive Motions	12/29/2025	2/12/2026
Dispositive Motion Hearing	2/10/2026	3/31/2026
Pretrial Conference	4/14/2026	6/2/2026
Jury Selection/Jury Trial	5/11/2026	6/29/2026

¹ A consent judgment has been entered against Defendant Jokes Up Ice Kream, LLC and Defendant Fetaiaki Teaupa has defaulted.

² The proposed schedule takes into account the Court’s calendar and weekends.

ARGUMENT

A district court is given broad discretion in supervising the pretrial phase of litigation. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting *Johnson*, 975 F.2d at 607).

1. Ferrara Has Shown Good Cause to Amend the Scheduling Order

Ferrara’s request to extend the deadlines is a direct result of Defendants’ failure to adequately participate in the discovery process. The requested extension is not due to any lack of diligence or unreasonable delay. Specifically:

- On August 26, 2025, Ferrara’s counsel sent a letter to counsel for Defendants regarding deficiencies in Defendants’ August 5, 2025, responses to Ferrara’s discovery requests served on June 6, 2025, and requested a meet and confer by September 3, 2025.
- On September 5, Ferrara’s counsel followed up on its August 26th letter.
- On September 8, 2025, Defendants’ counsel responded indicating that additional time was needed to confer with Defendants.
- On September 19, 2025, Ferrara’s counsel again followed up for a response to its August 26th letter.
- On September 29, 2025, Defendants advised Ferrara of its intent to supplement its discovery responses and produce its first set of documents.
- On October 1, 2025, Defendants produced supplemental written responses to the discovery requests served by Ferrara, and on October 2, 2025, produced 397 pages of documents.

- On October 2, 2025, Ferrara requested a meet and confer to address the outstanding deficiencies, and on October 6, the parties held a meet and confer to address outstanding discovery deficiencies.
- On October 13, 2025, Defendants produced an additional 12 pages of documents.
- The depositions of Defendants Ramin Sarup, 3615 Market LLC, and Three Steps Ahead, Inc were held from October 14 to October 16, 2025.

Declaration of Theresa Conduah (“Conduah Decl.”), ¶¶ 5-13.

On October 16, 2025, Ferrara sought Defendants’ consent to extend the deadlines to allow the parties sufficient time to address and correct the deficiencies and ensure that the matter proceeds fairly and efficiently. Defendants have not responded to Ferrara’s request. *Id.*, ¶¶ 14-15.

Given the extent of the deficiencies, including, notably, outstanding discovery on Defendants sales and revenues and the identities of the owners of certain e-commerce platforms and social media channels promoting the Accused Products, additional time is needed to cure these issues and ensure Defendants’ full compliance with its discovery obligations. *Id.*, ¶ 16.

2. Ferrara Was Diligent in Meeting Its Responsibilities

Ferrara has acted diligently since filing the complaint against Defendants. Ferrara has reached out to Defendants to meet deadlines pursuant to the trial schedule and served discovery requests well before the close of discovery. Moreover, Ferrara has contacted Defendants numerous times to resolve discovery deficiencies prior to the close of discovery. The Court has granted one extension to the case schedule in response to the parties’ joint request after the Court set aside the entry of default against Defendant Fetaiaki Teupa (Dkt.). No. 69). *Id.*, ¶ 4.

1 **3. Defendants Are Not Prejudiced by Ferrara’s Request to Amend the Case**
2 **Schedule.**

3 Defendants will not suffer harm if the extension is granted. Conversely, if the
4 deadlines are not extended until Defendants complete outstanding discovery requests,
5 Defendants would have an unreasonable advantage, and Defendants would be
6 rewarded for flaunting discovery requirements. It would also prejudice Ferrara’s ability
7 to fairly prosecute this action.

8 **CONCLUSION**

9 In light of the foregoing, Ferrara respectfully requests the Court grant Ferrara’s
10 motion for a 45-day extension of the current case schedule.

11
12 Date: October 20, 2025

ALSTON & BIRD LLP

13
14 By: /s/ Theresa Conduah
15 Theresa Conduah
16 Attorneys for Ferrara Candy Company
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October, 2025, the above and foregoing was filed with the Court through its CM/ECF system, which sent notice to all counsel of record.

Date: October 20, 2025

ALSTON & BIRD LLP

By: /s/ Theresa Conduah
Theresa Conduah
Attorneys for Ferrara Candy Company